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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,865	05/12/2006	Danny Singer	08364.0081	8989

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EXAMINER
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NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/532,865	Applicant(s) SINGER, DANNY	
	Examiner Quynh H. Nguyen	Art Unit 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 4-11, 16-22, and 25-26 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims. See MPEP § 608.01(n).

Accordingly, the claims have not been further treated on the merits.

2. Claim 1-28 objected to because of the following informalities: The claims recite "dialling system" should be - dialing system -. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 26 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 26, claims the non-statutory subject matter of a computer program product. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory). Therefore, since the claimed programs are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 27-28 are rejected under 35 U.S.C. 112, first paragraph, because the claims do not clearly set forth the metes and bounds and the metes and bounds of the subject matter cannot be determined.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 12, 14-15, 23, and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Oyanagi et al. (U.S. Patent 5,999,617).

As to claims 1 and 14, Oyanagi et al. teaches a predictive dialing system including a plurality of agent workstations (Fig. 1; abstract; col. 3, lines 63-66), each agent workstation comprising: means for producing signals effective to cause a display to display a script (col. 7, lines 27-30) for prompting the agent in a telephone conversation with a telephone respondent (col. 3, line 66 through col. 4, line 3; col. 7, lines 42-58); means for entering information obtained from the telephone respondent in response to questions prompted by the script into the workstation (col. 11, lines 59-60; col. 17, line 63 through col. 18, line 8); and means for producing status signal indicative of the progression of the agent through the script (col. 4, lines 4-7);

the predictive dialing system comprising:

means for storing statistical data regarding the connection of previous telephone calls (col. 4, lines 38-56); means for receiving the status signals produced by each agent station (col. 4, lines 4-7); means for predicting from the statistical data and the status signals how many new calls should be dialed to enable agents who have finished their previous call by the time each new call is answered by a respective telephone respondent to take all the new calls (col. 3, line 63 through col. 4, line 67); and means for generating signals effective to cause the new calls to be dialed (col. 4, lines 15-22).

As to claims 2 and 15, Oyanagi et al. teaches a predictive dialing system including a database system for storing telephone numbers to be called (Fig. 19, call list 211), and a cache for storing a selection of the stored telephone numbers, wherein when the predicting means predicts the number of new calls to be made (col. 18, lines 24-33), the appropriate number of telephone numbers are retrieved from the cache.

As to claim 3, Oyanagi et al. teaches the statistical data comprises the percentage of successful telephone connections made out of the total number of calls over a predetermined period of time (col. 5, lines 12-37; col. 18, lines 34-40).

As to claims 12 and 23, Oyanagi et al. teaches a scripting system for use in a an agent workstation in a call center, the workstation comprising: means for placing a call (col. 4, lines 38-41); and a display means (Fig. 6, terminal 130); the scripting system comprising: means for providing signals effective to cause the display means to display a script (col. 7, lines 27-30) for prompting an agent in a telephone call with a telephone respondent (col. 3, line 66 through col. 4, line 3; col. 7, lines 42-58); means for recording information obtained from the telephone respondent and sending signals representative of the information to a storage means col. 11, lines 59-60; col. 17, line 63 through col. 18, line 8); means for producing status signal indicative of the progression of the agent through the script (col. 4, lines 4-7); and means for sending the status signals to a predictive dialing system (col. 7, lines 54-58).

Claims 27-28 are rejected for the same reasons as discussed above with respect to claim 1.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 13 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Oyanagi et al. (U.S. Patent 5,999,617) in view of Edwards et al. (US Patent 5,819,029).

As to claims 13 and 24, Oyanagi et al. does not teach means for receiving signals from the predictive dialing system effective to initiate the display of a new script synchronized with the receipt of a new telephone call.

Edwards et al. teach means for receiving signals from the predictive dialing system effective to initiate the display of a new script synchronized with the receipt of a new telephone call (col. 9, line 52 through col. 10, line 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Edwards into the teachings of Oyanagi for the purpose of having a number of scripts for a variety of purposes, as discussed by Edwards (col. 10, lines 43-45).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

qhn

*Quynh H. Nguyen*  
Quynh H. Nguyen

November 27, 2006